

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

CEDRIC MOORE,

Plaintiff,

V.

**BIRMINGHAM POLICE
DEPARTMENT NORTH
PRECINCT, et al.,**

Defendants.

Case No. 5:09-cv-01834-RDP-PWG

MEMORANDUM OF OPINION

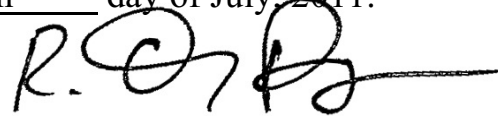
The Magistrate Judge filed a Report and Recommendation on June 20, 2011, recommending that Defendant Whitt's motion for summary judgment (Doc. #28) be granted and this cause be dismissed with prejudice. (Doc. #42.) No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court is of the opinion that the Magistrate Judge's Report is due to be and is hereby **ADOPTED** and his Recommendation is **ACCEPTED**. The court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that Defendant Whitt is entitled to judgment as a matter of law. Accordingly, Defendant Whitt's motion for summary judgment

(Doc. #28) is due to be granted and this action is due to be dismissed with prejudice.

A Final Judgment will be entered.

DONE and **ORDERED** this 15th day of July, 2011.

A handwritten signature in black ink, appearing to read "R. David Proctor", written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE